

April 29, 2002

Mr. William F. Caton  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W. Room CY-B402  
Washington, DC 20554

## RE: Comments on WT Docket No. 02-55.

Dear Sir:

In this letter I would like to make several comments to the Federal Communications Commission (FCC) in reference to WT Docket No. 02-55 (Improving Public Safety in the 800 Mhz. Band).

I am the President of Western Communications, Inc. a two-way radio sales and service company that has provided wireless communications services in Western South Dakota for over forty years. We service 2,245 companies who currently use two-way radios or other wireless products. We take care of 1,155 farm and ranch customers, 60 customers in the construction businesses, 75 customers in cable TV, broadcast TV and other communications businesses, 40 customers in automotive related business such as dealers, repair shops, and towing companies, 40 customers in the transportation field such as railroads, taxis, and trucking companies, and 875 customers in other types of businesses such as contractors, doctors, attorneys, engineers, architects, surveying crews, food service companies, hotels, motels and gas companies. In each of these companies, we estimate about ten people will use two-way radio for communications. About 22,000 people in our service area alone rely on two-way radio communications to increase their business efficiency and to provide for the safety and welfare of their family and employees. We are only one of twelve long time two-way radio companies in South Dakota, so it would be safe to say that about 1/3 of all South Dakotans rely on two-way radios for important communications.

For many years, Western Communications, Inc. has also provided 800 Mhz. SMR service throughout Western South Dakota to a wide variety of customers. It is in this capacity as an SMR service provider that I would like to file comments on FCC WT Docket No. 02-55.

Although it seems clear that Nextel is causing interference with 800 Mhz. public safety systems in several urban areas, I would like to point out that there is no 800 Mhz. interference problem in Western South Dakota. Furthermore, given

current trends in the local public safety communications systems, it doesn't seem likely that we will experience this type of interference anytime in the foreseeable future. Since there is no local problem, I am very disconcerted to think that my company may be forced to relocate our SMR service to other spectrum. This type of change would be very disruptive to our customers and to our business, and wouldn't serve any constructive purpose in our area. I am even more disconcerted to see that Nextel is proposing that my company should have to pay the relocation costs to solve a non-existent problem to provide my company with non-existent benefits.

I understand that the FCC is, and should be, concerned with the 800 Mhz. interference that is currently being experienced by public safety agencies. I would hope that whatever strategy the FCC chooses to alleviate this problem would take into consideration that this is not necessarily a universal problem.

Assuming the none of the FCC Commissioners have ever planned or executed the relocation of an SMR system, I would like to emphasize that relocation within the 800 Mhz. band is a complex and time consuming process. To accomplish this relocation with a minimum disruption to our customers, we would have to completely duplicate our entire system's infrastructure by constructing a new SMR on each new set of channels, then track down each and every radio owned by our customers to reprogram these SMR radios. It could literally take us several years to complete this process.

Some language in FCC WT Docket No 02-55 implies that the relocation of an incumbent SMR is no harder than going to the local supermarket to exchange one can of food for another can with a slightly different flavor. I want to emphasize that relocation is not a trivial event. I estimate that it would cost approximately \$2 million dollars to relocate all of our customers within the 800 Mhz. spectrum.

Relocation outside of the 800 Mhz. spectrum would basically require that our customers completely discard all their current investment in SMR radios and purchase an entire fleet of new radios. At the same time, we as a company would have to abandon our investment in the 800 Mhz. infrastructure, and come up with the resources to build out a completely different SMR system in a different spectrum. I estimate that this would cost about \$10 million dollars to make this type of relocation.

I completely disagree with Nextel's self-serving notion that incumbent SMRs would gain any benefit from moving to a different spectrum band, either 700 Mhz. or 900 Mhz. Since Nextel is proposing that the FCC move incumbent SMRs and other 800 Mhz. licensees to solve a Nextel caused problem, it seems appropriate that Nextel should pay the entire cost of any relocation.

If the FCC finds that there needs to be a relocation of 800 Mhz. systems to protect public safety systems, and if Nextel is convinced that there is some interference benefits to be gained in moving to 700 Mhz. or 900 Mhz., then it would seem that the simplest solution would be to have Nextel move to the 700 Mhz. and 900 Mhz. spectrum. Nextel already has 700 Mhz. and 900 Mhz. licenses over most of the United States. Also, if Nextel moves, then there would be no controversy over payment of relocation costs, since Nextel would presumably pay their own relocation costs. As an added benefit, the FCC would only have to swap licenses for one licensee, rather than for thousands of incumbent licensees.

If it is fair for Nextel to suggest that all the other 800 Mhz. incumbents should move to new “beneficial” spectrum, then it should be fair for the incumbents to suggest that Nextel be given the same opportunity to move to this new spectrum.

Finally, in a related matter, this entire discussion of relocating 800 Mhz. spectrum has put a major hold on our business plans to expand our 800 Mhz. service using spectrum we acquired in FCC auction # 34 and FCC auction # 36. I would appreciate it if the FCC would suspend the system build out requirements from these auctions until the possible relocation of the 800 Mhz. spectrum is decided.

Respectfully,

Michael A. Lees  
President  
Western Communications, Inc.  
3106 South Highway 79  
Rapid City, SD 57701

cc: Senator Tom Daschle  
Senator Tim Johnson  
Congressman John Thune